



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Attorney Docket No.: 96-164-DD)

PATENT  
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TECH CENTER 1600/2900

In re Application of:

Albaugh et al.

Serial No.: 10/090,935

Filed: March 5, 2002

For: Certain Fused Pyrrole Carboxamides: A New  
Class of GABA Brain Receptor Ligands

Before the Examiner:

Robert W. Ramsuer

Art Unit: 1626

**TRANSMITTAL LETTER**

Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

In regard to the above identified application,

1. We are transmitting herewith the attached:

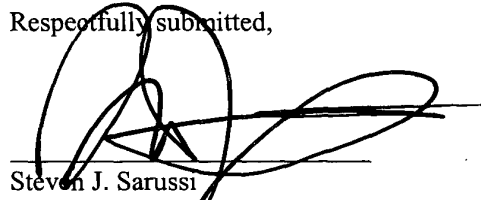
- a) Petition for One Month Extension of Time;
- b) Response to the Office Action Mailed September 3, 2002; and
- c) Postcard.

2. With respect to fees:

- a) Attached is a check in the amount of \$110.00.
- b) Please charge any underpayment or credit any overpayment our Deposit Account, No. 13-2490. A duplicate of this sheet is enclosed

3. CERTIFICATE OF MAILING UNDER 37 CFR § 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1, are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on the 4<sup>th</sup> day of November 2002.

Respectfully submitted,

  
Steven J. Sarussi  
Registration No. 32,784

McDonnell Boehnen Hulbert & Berghoff  
300 South Wacker Drive, 32nd Floor  
Chicago, IL 60606  
(312)913-0001



Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231,

on November 4, 2002 (Date of Deposit).

11/4/02  
Date

[Signature]  
Name

TECH CENTER 1600/2900

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(Attorney Docket No.: 96-164-DD)

|                            |   |                      |
|----------------------------|---|----------------------|
| In re Application of:      | ) |                      |
|                            | ) | Before the Examiner: |
| Albaugh et al.             | ) | Robert W. Ramsuer    |
|                            | ) |                      |
| Serial No.: 10/090,935     | ) |                      |
|                            | ) |                      |
| Filed: March 5, 2002       | ) | Art Unit: 1626       |
|                            | ) |                      |
| For: Certain Fused Pyrrole | ) |                      |
| Carboxamides: A New Class  | ) |                      |
| of GABA Brain Receptor     | ) |                      |
| Ligands                    | ) |                      |

RESPONSE TO THE OFFICE ACTION  
MAILED SEPTEMBER 3, 2002

Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Responsive to the Office Action mailed September 3, 2002, Applicants respectfully traverse the election requirement. Nonetheless, to comply with the requirement set forth in the Action pursuant to 35 U.S.C. § 121. Applicants elect the species of Example 3 (hh), i.e., N-(3-Pyridyl)-4-oxo-6,6-

dimethyl-4,5,6,7-tetrahydro-1H-indole-carboxamide. That compound is claimed in Claim 41.

Applicants respectfully submit that the compounds claimed in claims 7-50 are species encompassed by a single generic claim. Furthermore, the multiple groups identified by the Examiner could be searched and examined together without undue burden. All compounds listed by the Examiner as patentably distinct species possess a common 4,5,6,7-tetrahydro-1H-indole-3-carboxamide core. Thus, while the compounds of these claims may be patentably distinct, searching all the compounds of Claims 7-50 would not impose an additional burden on the Examiner.

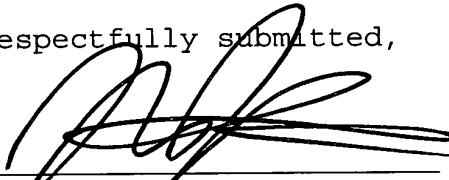
Reconsideration of the requirement made under 35 U.S.C. § 121 is earnestly solicited.

Applicants urge the Examiner to contact the Applicants' undersigned representative as (312) 913-0001 if the Examiner believes that this would expedite prosecution of this application.

Respectfully submitted,

Dated: November 4, 2002

By:

  
Steven J. Sarussi  
Reg. No. 32,784

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